

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 10th day of December at 8:00 P.M., and there were

PRESENT: MARK AQUINO, MEMBER

 JAMES PERRY, MEMBER

 LAWRENCE PIGNATARO, MEMBER

 RICHARD QUINN, MEMBER

 ARLIE SCHWAN, MEMBER

 ROBERT THILL, MEMBER

 JEFFREY LEHRBACH, CHAIRMAN

ABSENT: NONE

ALSO PRESENT: JOHANNA M. COLEMAN, TOWN CLERK

 JEFFREY SIMME, CODE ENFORCEMENT OFFICER

 NICHOLAS LOCICERO, TOWN PROSECUTOR

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

*Due to the recusal by Chairman Lehrbach, the Town Clerk asked for a motion to appoint a temporary Chairman. A motion to appoint Mr. Quinn temporary Chairman was made by Mr. Thill and seconded by Mr. Pignataro.

The motion was duly put to a vote as follows:

MR. AQUINO	VOTED YES
MR. PERRY	VOTED YES
MR. PIGNATARO	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	RECUSED

Motion carried

* Mr. Lehrbach recused himself from deliberation of this matter noting he is an employee of the Maguire Group, owner of the property which is requesting this variance.

PETITION OF CHRIS MCCAFFREY, ULRICH SIGN CO.

THE CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Chris McCaffrey, c/o Ulrich Sign Co., Inc., 250 State Road, Lockport, New York 14094 for two [2] variances for the purpose of erecting a ground sign on premises owned by Wehrle Associates LLC, at 2733 Wehrle Drive, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 30F.(2)(c)[2][a] of the Code of the Town of Lancaster to permit a sign height of 8 feet, 10 inches over finished grade.

Chapter 50, Zoning, Section 30F.(2)(c)[2][a] of the Code of the Town of Lancaster limits the height of a ground sign to four [4] feet above finished grade. The petitioner, therefore, requests a 4 foot, 10 inch ground sign height variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 30F.(2)(c)[2][c] of the Code of the Town of Lancaster to permit the location of one ground sign seven feet from the right of way along Wehrle Drive.

Chapter 50, Zoning, Section 30F.(2)(c)[2][c] of the Code of the Town of Lancaster requires that a ground sign be located at least fifteen [15] feet from a right of way. The petitioner, therefore, requests an eight [8] foot set back variance from the right of way.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

Copy of a letter notifying the Town of Clarence of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Chris McCaffrey, the petitioner	Proponent
Chris Jerzewski, representing the Maguire Group	Proponent

IN THE MATTER OF THE PETITION OF CHRIS MCCAFFREY, ULRICH SIGN CO.

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. THILL, WHO MOVED ITS
ADOPTION, SECONDED BY MR. SCHWANN
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Chris McCaffrey, Ulrich Sign Co. and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of December 2009, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the duly authorized agent of the property owner.

WHEREAS, the property for which the applicant is petitioning is within a Residential Commercial Office District, (RCO) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has not commented.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant can be achieved by erecting a pole sign, however such a sign would be unattractive and not in character with the surrounding area.

That the requested area variance relief is substantial, however this should not preclude the granting of the variance.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That there are similar signs on commercial property located on Wehrle Drive between Transit Road and Harris Hill Road.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED** subject to the following conditions which in the opinion of this board are appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

1. That if this sign is moved the variance becomes null and void.
2. That any enlargement of this sign will require an additional variance.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. AQUINO	VOTED YES
MR. PERRY	VOTED YES
MR. PIGNATARO	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	RECUSED

The resolution granting the variance was thereupon **ADOPTED**.

December 10, 2009

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 8:25 P.M.

Signed _____
Johanna M. Coleman, Town Clerk and
Clerk, Zoning Board of Appeals
Dated: December 10, 2009